

Appl. No. 09/823,459
Amendment Dated 8/16/2005
Reply to Office Action of June 8, 2005

Remarks

Claims 1-3 and 5-34 are pending in the present application. Claims 1, 5, 8, 12, 16, 18, 21, 23, 25, 27, and 29 have been amended. Claims 35-38 have been canceled without prejudice or disclaimer of the subject matter therein. No new matter has been added. Favorable reconsideration and allowance of the pending claims are respectfully requested.

Independent claim 1 has been amended to recite "receiving a packet at a network node configured to perform basic routing services for said packet; determining whether said packet requires advanced routing services not included in said basic routing services; and sending said packet to a hosted advanced routing server configured to perform said advanced routing services."

Independent claim 5 has been amended to recite "receiving a packet at a network node configured to perform basic routing services for said packet; determining whether said packet requires advanced routing services not included in said basic routing services, with said advanced routing services comprising dynamic routing; sending a request for advanced routing information to a hosted advanced routing server configured to perform said advanced routing services."

Independent claim 8 has been amended to recite "receiving a packet and a request for advanced routing information at a hosted advanced routing server from an intermediate node configured to perform basic routing services for said packet, said

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hosted advanced routing server configured to perform advanced routing services not included in said basic routing services.”

Independent claim 12 has been amended to recite “receiving a request for advanced routing information for a packet at a hosted advanced routing server from an intermediate node configured to perform basic routing services for said packet, said hosted advanced routing server configured to perform advanced routing services not included in said basic routing services.”

Independent claim 16 has been amended to recite “receiving a request for an advanced network service for a packet at a hosted advanced routing server from an intermediate node over a first virtual connection, said intermediate node configured to perform basic routing services for said packet, said hosted advanced routing server configured to perform advanced routing services not included in said basic routing services.”

Independent claim 18 has been amended to recite “said storage medium including stored instructions that, when executed by a processor, result in performing routing in a network by receiving a packet at a network node configured to perform basic routing services for said packet, determining whether said packet requires advanced routing services not included in said basic routing services, and sending said packet to a hosted advanced routing server configured to perform said advanced routing services.”

Independent claim 21 has been amended to recite “said storage medium including stored instructions that, when executed by a processor, result in performing routing in a network by receiving a packet at a network node configured to perform basic routing services for said packet, determining whether said packet requires advanced routing

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services not included in said basic routing services, with said advanced routing services comprising dynamic routing, sending a request for advanced routing information to a hosted advanced routing server configured to perform said advanced routing services.”

Independent claim 23 has been amended to recite “said storage medium including stored instructions that, when executed by a processor, result in performing routing in a network by receiving a packet and a request for advanced routing information at a hosted advanced routing server from an intermediate node configured to perform basic routing services for said packet, said hosted advanced routing server configured to perform advanced routing services not included in said basic routing services.”

Independent claim 25 has been amended to recite “receiving a packet at a network node configured to perform routing services for said packet; determining whether said packet requires advanced network services not included in said routing services; and sending said packet to an advanced network services provider configured to perform said advanced routing services.”

Independent claim 27 has been amended to recite “said storage medium including stored instructions that, when executed by a processor, result in performing advanced network services in a network by receiving a request for an advanced network service for a packet over a first virtual connection from an intermediate node configured to perform routing services for said packet.”

Independent claim 29 has been amended to recite “a network node configured to perform basic routing services to connect to said communication medium, said network node to receive a packet and determine whether said packet requires advanced routing services or advanced network services not included in said basic routing services.”

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In the Office Action, claims 1-3 and 5-34 were rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent Number (USPN) 6,614,781 to Elliott et al. ("Elliott"). Applicants traverse the rejection, and request reconsideration and withdrawal of the § 102(b) rejection.

At column 28, lines 24-28, Elliott discloses:

In step 269, soft switch 204 queries route server 212 to receive a call route and to allocate circuits to connect the call. Route server 212 is responsible for using the DDD number to select a least cost route through data network 112, and allocating a terminating circuit for this call.

Applicants submit that the soft switches described in Elliott do not perform routing operations for packets. Applicants further submit that while the route servers described in Elliott perform routing for the soft switches, there is no teaching or suggestion to provide different levels of routing or network services for a packet or to forward a packet to another node for different services, such as advanced routing services or advanced network services.

In order to anticipate a claim under 35 U.S.C. § 102(b), the cited reference must teach every element of the claim. *See e.g.* MPEP § 2131. Applicants submit that Elliott fails to teach or suggest each and every element recited in independent claims 1, 5, 8, 12, 16, 18, 21, 23, 25, 27, and 29, as amended. Applicants submit that claims 1, 5, 8, 12, 16, 18, 21, 23, 25, 27, and 29 are allowable for at least this reason and that claims 2, 3, 6, 7, 9-11, 13-15, 17, 19, 20, 22, 24, 26, 28, and 30-34 are allowable by virtue of their dependency, as well as on their own merits. Accordingly, removal of the § 102(b) rejection of claims 1-3 and 5-34 is requested.

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For at least the above reasons, Applicants submit that claims 1-3 and 5-34 recite novel features not shown by the cited references. Further, Applicants submit that the above-recited novel features provide new and unexpected results not recognized by the cited references. Accordingly, Applicants submit that the claims are not anticipated nor rendered obvious in view of the cited references.

Applicants do not otherwise concede, however, the correctness of the Office Action's rejection with respect to any of the dependent claims discussed above. Accordingly, Applicants hereby reserve the right to make additional arguments as may be necessary to further distinguish the dependent claims from the cited references, taken alone or in combination, based on additional features contained in the dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

It is believed that claims 1-3 and 5-34 are in allowable form. Accordingly, a Notice of Allowance to this effect is earnestly solicited.

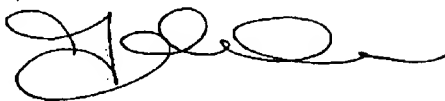
The Examiner is invited to contact the undersigned at 724-933-3387 to discuss any matter concerning this application.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 02-2666.

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Respectfully submitted,

KACVINSKY LLC



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Under 37 CFR 1.34(a)

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8/17/05

Rachael Brown

Date

Dated: August 16, 2005

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